

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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REGINALD HYPPOLITE,

Plaintiff,

-against-

FEDEX GROUND PACKAGE SYSTEM, INC.,

Defendant.

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Civil Action

**FEDEX GROUND PACKAGE  
SYSTEM, INC.’s NOTICE AND  
PETITION OF REMOVAL**

To: United States District Court  
Eastern District of New York  
225 Cadman Plaza E  
Brooklyn, NY 11201

**PLEASE TAKE NOTICE THAT** pursuant to 28 U.S.C. § 1441(b), FEDEX GROUND PACKAGE SYSTEM, INC. (hereinafter referred to as “FEDEX GROUND”) hereby removes this action from the Supreme Court of the State of New York, County of Queens, to the United States District Court for the Eastern District of New York. In support of this Notice of Removal, Defendant avers as follows:

**I. STATE COURT ACTION**

1. On or about December 27, 2021, an action was commenced by Plaintiff, REGINALD HYPPOLITE (hereinafter “Plaintiff”), in the Supreme Court of the State of New York, County of Queens, in New York, entitled REGINALD HYPPOLITE, Plaintiff, v. FEDEX GROUND PACKAGE SYSTEM, INC., Defendant, bearing Index Number 728400/2021. See a copy of Plaintiff’s Verified Complaint, dated December 23, 2021, annexed hereto as **Exhibit “A”**.

2. On January 10, 2022, a copy of Plaintiff’s Verified Complaint was served upon FEDEX GROUND. See a copy of the Affidavit of Service for FEDEX GROUND annexed hereto as **Exhibit “B”**; see generally, **Exhibit “A”**.

3. Plaintiff commenced this action against FEDEX GROUND as a result of an alleged personal injury accident that occurred on August 26, 2020, at the premises located at 1 Aerospace Boulevard, Bethpage, County of Nassau, State of New York. *See* **Exhibit “A”**.

4. Additionally, Plaintiff’s Verified Complaint alleges that FEDEX GROUND was “negligent in the operation, control, supervision, and maintenance” of the alleged accident location. *See* **Exhibit “A”**.

5. FEDEX GROUND is requesting to remove this action from the Supreme Court of the State of New York, County of Queens to this Court on the basis of Diversity Jurisdiction, 28 U.S.C. §1332, and which may be removed to this Court by FEDEX GROUND pursuant to the provisions of 28 U.S.C. §1441.

## **II. NOTICE OF REMOVAL IS TIMELY FILED**

6. This Notice of Removal is timely filed in that it is filed “within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which...” this action is based. 28 U.S.C. §1446(b).

## **III. DIVERSITY OF CITIZENSHIP EXISTS BETWEEN PLAINTIFF AND DEFENDANT**

7. Upon information and belief, at the time of commencement of this action and the filing of this instant Notice of Removal, the Plaintiff is domiciled in the State of New York, and he resides at 16-21 10th Avenue, Queens Village, New York. *See* **Exhibit “A”**.

8. FEDEX GROUND is a corporation incorporated in the State of Delaware.

9. FEDEX GROUND’s principal place of business is located at 1000 FedEx Drive, Moon Township, Pennsylvania.

10. Complete Diversity of Citizenship exists in this case because, for the purposes of diversity, Plaintiff is a citizen of New York and FEDEX GROUND is a citizen of both Delaware and Pennsylvania. *See* 28 U.S.C. §1332(c).

**IV. AMOUNT IN CONTROVERSY**

11. Plaintiff's Verified Complaint alleges that he "was caused to sustain severe and serious personal injuries." See Exhibit "A", paragraph 12.

12. Plaintiff's Verified Complaint further alleges that he sustained damages in the sum of five million (\$5,000,000.00) Dollars. See Exhibit "A", Paragraph 16.

13. As Plaintiff alleges that he has suffered severe and permanent personal injuries and claims damages "in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS," therefore, the amount in controversy exceeds the jurisdictional requirement of \$75,000. See generally, Exhibit "A".

14. As Plaintiff and FEDEX GROUND are citizens of different states, and because the amount in controversy exceeds \$75,000.00, the United States District Court for the Eastern District of New York has original jurisdiction pursuant to 28 U.S.C. § 1332. Additionally, this action is one which may be removed to this Court by FEDEX GROUND pursuant to the provisions of 28 U.S.C. § 1441(b) and 28 U.S. Code § 1332.

**V. VENUE IS APPROPRIATE IN THIS COURT**

15. The State Court Action is currently pending in the Supreme Court of the State of New York, County of Queens, which is located within the United States District Court for the Eastern District of New York.

16. Thus, venue is proper in this Court because it is the "district and division embracing the place where such [State Court] [A]ction is pending." See U.S.C. § 1441(a).

**VI. FEDEX GROUND PROVIDED APPROPRIATE NOTICE OF REMOVAL**

17. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal is being submitted for filing with the Clerk of the Supreme Court of the State of New York, County of Queens, and is being served upon counsel of record. See a copy of the Notice of Removal annexed hereto as

**Exhibit "C".**

18. By filing this Notice of Removal, FEDEX GROUND does not waive any defects in service of process, venue, or personal jurisdiction, nor does it waive any other defenses available to FEDEX GROUND under applicable State Law and/or the Federal Rules of Civil Procedure.

19. By removing this action to the United States District Court for the Eastern District of New York, FEDEX GROUND does not admit any of the allegations in Plaintiff's Verified Complaint.

**WHEREFORE**, Defendant, FEDEX GROUND PACKAGE SYSTEM, INC., respectfully requests that the action pending against it in the Supreme Court of the State of New York, County of Queens be removed therefrom to the United States District Court for the Eastern District of New York.

Dated: New York, New York  
January 24, 2022

CALLAHAN & FUSCO, LLC  
Attorneys for Defendant,  
FEDEX GROUND PACKAGE SYSTEM, INC.

By:   
MATTHEW B. SICHERI, ESQ.  
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TO: Brian M. Sanders, Esq.  
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*Attorneys for Plaintiff*  
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Carle Place, New York 11514  
(516) 742-6400

**CERTIFICATION OF SERVICE**

I, MATTHEW B. SICHERI, of full age, being duly sworn, according to law and upon my oath, depose and say:

1. I am an attorney with the law firm of Callahan & Fusco, LLC, and am assigned the handling of this action.

2. On January 24, 2022, I electronically filed a copy of the within Notice and Petition of Removal, which was service via ECF and electronic mail upon:

Brian M. Sanders, Esq.  
LAW OFFICE OF ALAN M. SANDERS, LLC  
*Attorneys for Plaintiff*  
One Old Country Road, Suite 320  
Carle Place, New York 11514  
[briansanders@sanderslawny.com](mailto:briansanders@sanderslawny.com)

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: New York, New York  
January 24, 2022

CALLAHAN & FUSCO, LLC  
Attorneys for Defendant,  
FEDEX GROUND PACKAGE SYSTEM, INC.

By:   
MATTHEW B. SICHERI, ESQ.  
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